

**State of California  
Office of Administrative Law**

**In re:**  
**Superintendent of Public Instruction**

**Regulatory Action:**

**Title 05, California Code of Regulations**

**Adopt sections: 11534.1**

**Amend sections: 11530, 11533, 11534**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2017-1106-06**

**OAL Matter Type: Emergency Readopt (EE)**

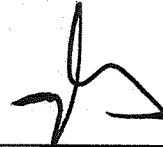
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This emergency action readopts and amends regulations to implement the statutory fee waiver process and documentation requirements for homeless and foster youths taking the High School Equivalency Test.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 11/29/2017 and will expire on 2/28/2018. The Certificate of Compliance for this action is due no later than 2/27/2018.

**Date: November 16, 2017**



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**Mark Storm  
Senior Attorney**

**For: Debra M. Cornez  
Director**

**Original: Tom Torlakson  
Copy: Hillary Wirick**

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS <b>Z-</b>	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2017-1106-06EE</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

 NOV 16 2017  
 1:59 P.M.

 2017 NOV -6 P 3:13  
 OFFICE OF  
 ADMINISTRATIVE LAW

 AGENCY WITH RULEMAKING AUTHORITY  
 State Superintendent of Public Instruction

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) High School Equivalency Test	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0523-03E
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**2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	11534.1
	AMEND
	11530, 11533, 11534
TITLE(S) 5	REPEAL

**3. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

**4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)****5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)**

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>November 29, 2017</b>
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**6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

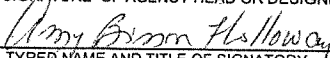
**7. CONTACT PERSON**

Hillary Wirick, Regulations Analyst	TELEPHONE NUMBER 916-319-0860	FAX NUMBER (Optional) 916-319-0155	E-MAIL ADDRESS (Optional) hwirick@cde.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE



11/31/17

TYPED NAME AND TITLE OF SIGNATORY

Amy Bisson Holloway, General Counsel

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 16 2017

Office of Administrative Law

- 1 • The State Superintendent of Public Instruction has illustrated changes to the original  
2 text in the following manner: text originally proposed to be added is underlined; text  
3 proposed to be deleted is displayed in ~~strikeout~~.  
4

5 **Title 5. EDUCATION**

6 **Division 1. California Department of Education**

7 **Chapter 11. Special Programs**

8 **Subchapter 8. High School Proficiency Certificates**

9 **Article 2. High School Equivalency Certificate – for Persons 18 Years of Age or**  
10 **Older**

11  
12 **§ 11530. Definitions.**

13 (a) "Certificate" means a document containing the words "California High School  
14 Equivalency Certificate."

15 (b) "Fee," as referenced in Education Code section 51421(a), shall be \$20.00 and  
16 shall be submitted by the examinee at the time of initial registration for a test to obtain a  
17 high school equivalency certificate.

18 (c) "Certification" means documentation from a homeless services provider, or a  
19 county or state agency, certifying the examinee is a homeless youth or a foster youth.

20 (d) "Resident of this State" means a person who either presently lives in the State of  
21 California, or who has his domicile in California in accordance with the criteria  
22 established in Government Code section 244.

23 (e) "Testing accommodations" means any variation in the assessment environment  
24 or process that does not fundamentally alter what the test measures or affect the  
25 comparability of scores.

26 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
27 Sections 51420, 51421, 51421.5 and 51425, Education Code.  
28

29 **§ 11533. Waiver of Fees.**

30 (a) The contractor(s) selected to administer the examination shall not collect fees  
31 from individuals who are under 25 years of age, meet all other registration  
32 requirements and are verified to be a homeless youth by a homeless services provider  
33 or a foster youth as defined in Education Code section 51421.5, except for fees for

1 additional services not related to regular test administration including, but not limited to,  
2 registration for a test administration past the regular registration deadline set by the  
3 contractor(s), request to change the testing date past the regular registration deadline  
4 set by the contractor(s), request for a transcript, or duplicate certificate, or request to  
5 expedite services. The contractor(s) shall not charge fees to individuals who are  
6 certified to be a homeless or foster youth for any other administrative services without  
7 prior approval of the California Department of Education (CDE). The contractor must  
8 contact the CDE and provide justification to charge any additional administrative fees to  
9 an individual eligible under this part.

10 (b) The fee waiver for individuals who are under age 25 and are certified to be a  
11 homeless youth by a homeless services provider or a foster youth as defined in  
12 Education Code section 51421.5 shall include only fees for services related to test  
13 administration. The fee waiver shall not include fees for services or documents required  
14 to verify the need for testing accommodations, test preparation, or other services not  
15 related to test administration.

16 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
17 Sections 51420, 51421 and 51421.5, Education Code.  
18

19 **§ 11534. Homeless Certification.**

20 (a) To be eligible for a fee waiver, at the time of registration for a test administration,  
21 a certified homeless youth must submit all standard required registration materials to  
22 the contractor(s), including documentation required for all testing accommodations that  
23 the individual may need and an original completed certification. The contractor(s)  
24 provides all forms required to approve a testing accommodation.

25 (b) The CDE-developed certification form may be used to certify that the registrant  
26 is homeless. Certification must include all of the following information:

27 (1) The full legal name of the registrant;

28 (2) The date of birth of the registrant;

29 (3) The signature of the registrant affirming, under penalty of perjury, a statement  
30 that she or he is homeless and under 25 years of age;

31 (4) The printed name of the homeless services provider;

32 (5) The title of the homeless services provider;

(6) The business address, phone number, and e-mail address of the homeless services provider;

(7) The signature of the homeless services provider affirming, under penalty of perjury, a statement that she or he is an authorized homeless services provider and that the registrant is homeless as defined in Education Code section 51421.5;

(8) The date that the certification is completed by the homeless services provider; and

(9) The date the certification expires.

(c) Certification is valid for a period of one year from the certification date and may be renewed annually until the certified homeless youth reaches 25 years of age. If the certified homeless youth reaches 25 years of age within one year from the certification date, the certification will be valid only until one day before the certified homeless youth reaches 25 years of age.

(d) The homeless services provider or the provider's agency shall retain a copy of all certification(s) issued to certify homeless youth(s) until each certified homeless youth reaches 28 years of age. The homeless services provider or the provider's agency shall make copies of certification(s) available to the CDE upon request.

(e) The contractor(s) shall retain all original certifications issued to certify homeless youth(s) until each certified homeless youth reaches 28 years of age. The contractor(s) shall make original certification(s) available to the CDE within 10 business days upon request.

~~(f) The homeless services provider or provider's agency~~ No fees shall be charged ~~not charge a fee~~ to homeless youths seeking certification of their status.

NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference: Section 51421.5, Education Code.

#### **§ 11534.1. Foster Youth Certification.**

(a) To be eligible for a fee waiver, at the time of registration for a test administration, a foster youth must submit all standard required registration materials to the contractor(s) including documentation required for all testing accommodations that the individual may need and certification of their foster youth status. This certification may be provided by the county or California Department of Social Services.

1 (b) Eligibility for the fee waiver is valid until the certified foster youth reaches 25  
2 years of age.

3 (c) The contractor(s) shall retain all original certification(s) issued to foster youth(s)  
4 until each foster youth reaches 28 years of age. The contractor(s) shall make original  
5 documentation available to the CDE within 10 business days upon request.

6 (d) ~~The county shall not charge any~~No fees shall be charged to foster youths  
7 seeking certification of their status.

8 (e) For purposes of this Article, "Foster Youth" means either current or former foster  
9 youth as defined by Education Code Section 51421.5(h).

10 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
11 Section 51421.5, Education Code.

12  
13  
14  
15 07-21-17 [California Department of Education]